

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

AXSOME MALTA LTD., et al.,	:	
	:	
Plaintiffs,	:	Hon. Madeline Cox Arleo
	:	Civil Action No. 23-20354
v.	:	
	:	<u>PRETRIAL SCHEDULING ORDER</u>
ALKEM LABORATORIES LTD, et al.,	:	
	:	
Defendants.	:	

---

THIS MATTER having come before the Court for a scheduling conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on January 18, 2024; and for good cause shown:

IT IS on this 18<sup>th</sup> day of January, 2024,

**ORDERED THAT:**

1. A telephone status conference shall be held before the undersigned on 4/30/2024 at 11:30 A.M. Counsel for Plaintiff is directed to initiate the call to (973) 776-7700. If the conference is going to be conducted via dial-in, the parties are instructed to call Chambers once everyone is on the line and provide the dial-in information at that time. Dial-in numbers will not be accepted prior to the conference. The parties are to submit a joint status letter no later than 4/25/2024, itemizing the issues counsel would like to discuss in the upcoming conference.
2. Any discovery dispute shall be brought to the Court's attention in the first instance by letter or by telephone conference call immediately after the parties' good faith attempt to resolve the dispute has failed. *See* L. Civ. R. 16.1(f)(1). No discovery motion or motion for sanctions for failure to provide discovery shall be made without prior leave of Court.
3. Discovery shall proceed as set forth in Exhibit 1 to this Order.
4. **FAILURE TO FOLLOW THIS ORDER WILL RESULT IN SANCTIONS PURSUANT TO Fed. R. Civ. P. 16(f) and Fed. R. Civ. P. 37.**

s/ James B. Clark, III

**JAMES B. CLARK, III**

**United States Magistrate Judge**

EXHIBIT 1

Event	Axsome's Proposed Date	Defendants' Proposed Date
Parties to Exchange Rule 26(a)(1) Initial Disclosures	1/25/24	
Plaintiffs to Provide Disclosure of Asserted Claims	1/25/24	
Parties to Submit Joint Discovery Confidentiality Order	2/22/24	
Each Defendant Group to Provide Non-Infringement Contentions	4/26/24	
Defendants to Provide Joint Invalidity Contentions	4/26/24	
Plaintiffs to Provide Infringement Contentions to each Defendant Group	9/4/24	
Plaintiffs to Respond to Defendants' Joint Invalidity Contentions	9/4/24	
Parties to Exchange Proposed Claim Terms for Construction	9/18/24	
Parties to Exchange Preliminary Claim Constructions	10/9/24	
Parties to Exchange Evidence Opposing Claim Constructions	10/29/24	
Joint Claim Construction and Prehearing Statement	11/12/24	
Complete all non-expert <i>Markman</i> discovery	12/11/24	
Opening <i>Markman</i> briefs	1/6/24	
Complete all expert <i>Markman</i> discovery	2/27/25	
Substantial Completion of Document Production	3/24/25	
Responsive <i>Markman</i> briefs	4/11/25	
Parties Jointly Propose <i>Markman</i> hearing schedule	4/28/25	
<i>Markman</i> hearing	TBD	
Deadline for Motions to Amend or to Add Parties	5/12/25	
Close of Fact Discovery	8/25/25	
Parties Exchange Opening Expert Reports on All Issues for which Party Bears Burden of Proof	60 days after the close of fact discovery or the Court's <i>Markman</i> opinion,	10/25/25 <i>gbc</i>

	whichever is later	
Parties Exchange Responsive Expert Reports	75 days after opening expert reports	12/19/25 <i>jbc</i>
Reply Expert Reports	45 days after responding expert reports	2/13/26 <i>jbc</i>
Close of Expert Discovery	60 days after reply expert reports	4/7/26 <i>jbc</i>
Submission of the Parties' Joint Pretrial Order	TBD	
Final Pretrial Conference	TBD	
Trial	TBD	June 2026 <i>jbc</i>
30 Month Stay Expires		12/17/26